1039-40 **File No.** 3762/36

A CLASS

P.W. DEPARTMENT
E BRANCH

Subject:— Workmen's Compensation Act

Applicability of - to workmen employed by the P.W.D.

A[K] 40

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File No. 3762/36

Std. Scott. Slip 24-B

G.P.K.—J H 3—50,000—5.54
G. R. G. D No. 2108, dated 22-6-22.]

Correspondence

Sectt 78 A e

DOCKET SHEET (B)

Subject:—

File No. 3762/36

Public Works DEPT.

E BRANCH.

References:—

Date.	To whom sent.	Notes instructions,

Office of the Comr. for
Workmens Compensation

This case raises a question of some importance upon which I should like to offer a few remarks. On various pages ref. has been made to the fact that this case comes under the workmen's Compensation Act by virtue of the provisions of Sec. 2(1), cl. (vi)c of Schedule II and clause (viii)c of Schedule II. In fact it is covered by clause (x) of ScheduleII. Moreover, the fact that the deceased workman came under the Workmen's Compensation Act was not realised until the case went to P.W.D. and it is now over a year since the workman was killed. Under section 10(b) of the Act the owners of factories, Railway officials and others have to give notice of a fatal accident within seven days of the death, as they are people who are "required by law to give notice of a fatal accident to any authority." Presumably officers of the P.W.D. are also required to do so-certainly by an executive order, if not by law- and they in common with factory owners and railway officials should also be reqd. to give notice to the Comr. for Workmen's Compensation. In fact, many P.W.D. officers on the Roads and Bldgs. side to give such notice.

2. It would appear that officers on the Irrign. side have not been informed of the fact that persons employed otherwise than in a clerical capacity in the construction working, repair or demolition of any aerial ropeway, canal, pipeline or sewers come under the W.C.Act. The amount suggested

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as gratuity in this case is very much less than the compensation payable under the Act and it is possible that there have been other cases where a compassbonate gratuity has been given instead of the legal amount due under the Act. I therefore suggest for the consideration of the Secy., P.W.D that the attention of all Senior officers in the Irrign.Branch of the P.W.D. be drawn to the provisions of the Act so far as it relates to workmen likely to be employed by them. In the case under reference, the amount of compensation as calculated by the P.W.D. is correct and the amount should be deposited with the ex-officio Commr. for Workmen's Compensation for the district in which the accident occurred. This apparently is the First Class Sub-Judge, Sholapur

Id.J.F.C.
31/9

U.O.R. No.C.O./4829 dated the 31/10/38 / 1/11/38

to the Secy. to Govt., F.D.

MKM 27-4-56.

E.E.

Resubmitted.

2. With reference to para. 1 of the U.O. note it may be explained that under paras. 55 and 189 of the Bombay P.W.D. Manual, the Ex.Engrs. are required to submit reports immediately to the S.Es. of any important accident and to state what action has been taken thereon. In cases of serious accidents, reports are also to be submitted to Govt. direct but this has been left to the discretion of the Ex.Engrs.

3. The Commr. for Workmen's Compensation suggests that the attention of all senior officers in the Irrign. Bch, of the P.W.D. may be drawn to the provisions of the Workmen's Compensation Act so far as it relates to the workmen likely to be employed by them.

4. In this Province the Irrign. and R.&B. branches are not distinct and many divisions contain irrigation as well as roads and buildings works. It is therefore proposed to issue a general circular applicable to all and not to the officers of the Irrign. Bch. only as proposed by the Commr. for Workmen's Compensation. The necy. draft is put up for approval and may be shown U.O to the Commr., Workmen's Compensation, and P.D. before Jan. issue.

Thro: I.E. and E.Bchs.

Idl - S.A.J
12/6/39

MKK 27-1-36

Workmen's Compensation Act.
Applicability of- to workmen employed by the Public Works Department.

GOVERNMENT OF BOMBAY

PUBLIC WORKS DEPARTMENT

Circular Memorandum No. 3762/36

Bombay Castle, 18th July 1939.

GOVERNMENT CIRCULAR MEMORANDUM.

A case has been to the notice of Government in which a fatal accident to a workman employed on a certain irrigation work was neither reported to the proper authorities in time nor was it realised that the case of the deceased workman was governed by the Workmen's Compensation Act, 1923. Under Section 10(B) of the Act, the owners of factories, Railway Officials, and others have to give notice of any fatal accident within seven days of the death, being the parties who are required by law to give notice, of such fatal accidents to the Commissioner of Workmen's Compensation.

2. The Superintending Engineers of Circles, the Electrical Engineer to Government and the consulting Public Health Engineer to Government are informed, with compliments, that persons employed otherwise than in a clerical capacity on irrigation works etc., e.g., on the construction, working or demolition of any aerial ropeway, canal pipe or sewer are work people whose cases are governed by the provisions of the Workmen's Compensation Act. In their cases, therefore, the requisite notice to the proper authorities should invariably be given. The local officers are accordingly requested to follow strictly in future the procedure laid down in Section 10(B) and 21 as also of the other relevant provisions of the Workmen's Compensation Act, 1923, so far as it relates to workmen likely to be employed by them.

By order of the Governor of Bombay
Sd/-
(R.H.HAMMETT)
Deputy Secretary to Government

G. C. M. No. 3762/36, P.W.D., dated the 18th July 1939.

To
The Finance Department
The Superintending Engineers of Circles.
The Electrical Engineer to Government.
The Accountant General, Bombay.
The Executive Engineers of Divisions.
The consulting Public Health Engineer to Goveernment.
The Officer on special Duty, Minor Irrigation Works, Northern Circle.
The Officer on special Duty, Minor Irrigation Works, Southern Circle.
The Commissioner for workmen's Compensation.

No. of 1939.

Copy forwarded for information and guidance to